A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 12th day of May 2022, at 7:00 P.M., and there were

PRESENT: CARLO DIRIENZO, MEMBER

KEITH STOERR, MEMBER

PETER SUGG, MEMBER

MARK TILLMANNS, MEMBER

JILL MONACELLI, CHAIRMAN

ABSENT: ANTHONY CASTELLANA, MEMBER

JOHN MIKOLEY, MEMBER

ALSO PRESENT: DIANE M. TERRNOVA, TOWN CLERK

EMILY ORLANDO, DEPUTY TOWN ATTORNEY

MATTHEW FISCHIONE, CODE ENFORCEMENT OFFICER

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

PETITION OF: JOHN & CRISTINA LOGAL

THE 1st CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of John and Cristina Logal, 53 East Home Road, Bowmansville, New York 14026 for one [1] variance for the purpose of installing a chain link fence in a required front yard on premises owned by the petitioners at 53 East Home Road, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 34, Subsection C of the Code of the Town of Lancaster. The request calls for installing a four [4] foot tall chain link fence in a required front yard.

Chapter 400, Zoning, Section 34, Subsection C of the Code of the Town of Lancaster requires no fence or wall over three feet in height shall extend into a front yard of any lot. The petitioners, therefore, request a one [1] foot variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

John Logal, Petitioner

IN THE MATTER OF THE PETITION OF: JOHN & CRISTINA LOGAL

THE FOLLOWING RESOLUTION WAS OFFERED BY MR. STOERR, WHO MOVED ITS ADOPTION, SECONDED BY MS. MONACELLI TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of John & Cristina Logal and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 12th day of May 2022, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicants are the present owners of the premises in question.

WHEREAS, the property for which the applicants are petitioning is within a Residential District, (R) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicants cannot be achieved by some other method, feasible for the applicants to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self-created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. CASTELLANA	WAS AB	SENT
MR. DIRIENZ	VOTED	YES
MR. MIKOLEY	WAS AB	SENT
MR. STOERR	VOTED	YES
MR. SUGG	VOTED	YES
MR. TILLMANNS	VOTED	YES
MS. MONACELLI	VOTED	YES

The resolution granting the variance was thereupon ADOPTED.

PETITION OF: THOMAS & PATTY GRIMM

THE 2nd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Thomas and Patty Grimm, 54 Country Place, Lancaster, New York 14086 for two [2] variances for the purpose of constructing a shed within a drainage easement on premises owned by the petitioners at 54 Country Place, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for constructing a shed within a drainage easement.
 - Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires no structures other than fencing be allowed within a drainage easement. The petitioners, therefore, requests a one [1] foot, nine [9] inch variance.
- B. A variance from the requirements of Chapter 400, Zoning, Section 34, Subsection C of the Code of the Town of Lancaster. The request calls for constructing a shed within one [1] foot of a side yard lot line.

Chapter 400, Zoning, Section 34, Subsection C of the Code of the Town of Lancaster requires for an accessory structure, the minimum location from a lot line to be five [5] feet from the side lot line. The petitioners, therefore, request a five [5] foot variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Thomas Grimm, Petitioner Proponent
Patty Grimm, Petitioner Proponent

IN THE MATTER OF THE PETITION OF: THOMAS & PATTY GRIMM

THE FOLLOWING RESOLUTION WAS OFFERED BY MR. SUGG, WHO MOVED ITS ADOPTION, SECONDED BY MR. STOERR TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Thomas & Patty Grimm and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 12th day of May 2022, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicants are the present owners of the premises in question.

WHEREAS, the property for which the applicants are petitioning is within a Residential District, (R) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicants cannot be achieved by some other method, feasible for the applicants to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self-created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

NOW, THEREFORE, BE IT

RESOLVED that based upon these findings, the relief sought be and is hereby **CONSIDERED**, subject to the following conditions which in the opinion of this board are appropriate condition to minimize adverse effects on the character of the surrounding area and to safeguard the public health, safety, convenience and general welfare:

- Petitioners will move the shed at their expense if the need arises, will sign the agreement with the Town, and file with the Deed at the Erie County Clerk's Office.
- The swale would be regraded to the specifications of the code.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. CASTELLANA	WAS AB	SENT
MR. DIRIENZO	VOTED	NO
MR. MIKOLEY	WAS AB	SENT
MR. STOERR	VOTED	YES
MR. SUGG	VOTED	YES
MR. TILLMANNS	VOTED	NO
MS. MONACELLI	VOTED	YES

The resolution granting the variance was thereupon **DENIED.**

PETITION OF: TIMOTHY HINEMAN

THE 3rd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Timothy Hineman, 1280 Ransom Road, Lancaster, New York 14086 for two [2] variances for the purpose of constructing a shed on premises owned by the petitioner at 1280 Ransom Road, Lancaster, New York, to wit:

A. A variance from the requirements of Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster. The request calls for constructing a shed with a seven [7] foot, three [3] inch setback dimension from the north property line.

Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster requires the minimum location from a lot line of fifteen [15] feet from the side lot line. The petitioner, therefore, requests a seven [7] foot, seven [7] inch variance.

B. A variance from the requirements of Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster. The request calls for constructing a shed with an eight [8] foot setback dimension from the west property line.

Chapter 400, Zoning, Section 13, Subsection C, Schedule B of the Code of the Town of Lancaster requires the minimum location from a lot line of fifteen [15] feet from the side lot line. The petitioner, therefore, requests a seven [7] foot variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Environment and Planning of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Timothy Hineman, Petitioner

IN THE MATTER OF THE PETITION OF: TIMOTHY HINEMAN

THE FOLLOWING RESOLUTION WAS OFFERED BY MR. TILLMANNS, WHO MOVED ITS ADOPTION, SECONDED BY MR. SUGG TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Timothy Hineman and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 12th day of May 2022, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicant is the present owner of the premises in question.

WHEREAS, the property for which the applicant is petitioning is within a Agricultural Residential, (AR) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Erie County Department of Environment and Planning has received a full copy of the proposed zoning action and has stated that the proposed action has been reviewed and determined to be of local concern therefore, no recommendation was made.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self-created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. CASTELLANA	WAS AB	SENT
MR. DIRIENZO	VOTED	YES
MR. MIKOLEY	WAS AB	SENT
MR. STOERR	VOTED	YES
MR. SUGG	VOTED	YES
MR. TILLMANNS	VOTED	YES
MS. MONACELLI	VOTED	YES

The resolution granting the variance was thereupon ADOPTED.

PETITION OF: BENDERSON DEVELOPMENT COMPANY, LLC.

THE 4th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the Benderson Development Company, LLC, 570 Delaware Avenue, Buffalo, New York 14202 for one [1] variance for the purpose of installing wall signs and window graphics on premises owned by Rehm-Transit Associates, 570 Delaware Avenue, Buffalo, New York at 6375 Transit Road, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 30, Subsection F (2) (a) of the Code of the Town of Lancaster. The request calls for installing wall signs and window graphics for a new tenant at 517 square feet, bringing the total sign face area to 567 square feet for the building.

Chapter 400, Zoning, Section 30, Subsection F (2)(a) of the Code of the Town of Lancaster requires the maximum sign face area of 120 square feet. The petitioner, therefore, requests a 447 square foot, total sign face area variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Environment and Planning, New York State Department of Transportation and the Town of Cheektowaga of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

James Boglioli, Esq. Representing Petitioner

IN THE MATTER OF THE PETITION OF: BENDERSON DEVELOPMENT, LLC.

THE FOLLOWING RESOLUTION WAS OFFERED BY MR. DIRIENZO, WHO MOVED ITS ADOPTION, SECONDED BY MR. STOERR TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Benderson Development Company, LLC. has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 12th day of May 2022, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicant is the duly authorized agent of the property.

WHEREAS, the property for which the applicant is petitioning is within a General Commercial District, (GC) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Erie County Department of Environment and Planning has received a full copy of the proposed zoning action and has stated that the proposed action has been reviewed and determined to be of local concern therefore, no recommendation was made.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self-created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

NOW, THEREFORE, BE IT

RESOLVED that based upon these findings, the relief sought be and is hereby **GRANTED**, subject to the following condition which in the opinion of this board is the appropriate condition to minimize adverse effects on the character of the surrounding area and to safeguard the public health, safety, convenience and general welfare:

• Advertising on the window graphics will not be more than 15% of the window graphics portion.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. CASTELLANA	WAS AB	SENT
MR. DIRIENZO	VOTED	YES
MR. MIKOLEY	WAS AB	SENT
MR. STOERR	VOTED	YES
MR. SUGG	VOTED	YES
MR. TILLMANNS	VOTED	YES
MS. MONACELLI	VOTED	YES

The resolution granting the variance was thereupon ADOPTED.

PETITION OF: BENDERSON DEVELOPMENT COMPANY, LLC.

THE 5th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the Benderson Development Company, LLC, 570 Delaware Avenue, Buffalo, New York 14202 for one [1] variance for the purpose of installing two [2] offsite advertisement signs on an existing pylon sign on premises owned by Rehm-Transit Associates, 570 Delaware Avenue, Buffalo, New York at 6363 Transit Road, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 30, Subsection D (1) of the Code of the Town of Lancaster. The request calls for installing two [2] offsite advertisement signs for 6375 Transit Road, on an existing pylon sign located at 6363 Transit Road.

Chapter 400, Zoning, Section 30, Subsection D (1) of the Code of the Town of Lancaster requires that no sign shall be used to attract attention to an object, product, place, activity, institution, organization or business not available or located on the premises where the sign is located. The petitioner, therefore, requests a variance to allow two [2] offsite advertisement signs for 6375 Transit Road on an existing pylon sign located at 6363 Transit Road.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Environment and Planning, New York State Department of Transportation and the Town of Cheektowaga of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

James Boglioli, Esq. Representing Petitioner, Proponent

Gerald Caine Questions/Comments

IN THE MATTER OF THE PETITION OF: BENDERSON DEVELOPMENT, LLC.

THE FOLLOWING RESOLUTION WAS OFFERED BY MR. SUGG, WHO MOVED ITS ADOPTION, SECONDED BY MR. DIRIENZO TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Benderson Development Company, LLC. has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 12th day of May 2022, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicant is the duly authorized agent of the property.

WHEREAS, the property for which the applicant is petitioning is within a General Commercial District, (GC) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Erie County Department of Environment and Planning has received a full copy of the proposed zoning action and has stated that the proposed action has been reviewed and determined to be of local concern therefore, no recommendation was made.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self-created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. CASTELLANA	WAS AB	SENT
MR. DIRIENZO	VOTED	YES
MR. MIKOLEY	WAS AB	SENT
MR. STOERR	VOTED	YES
MR. SUGG	VOTED	YES
MR. TILLMANNS	VOTED	YES
MS. MONACELLI	VOTED	YES

The resolution granting the variance was thereupon ADOPTED.

PETITION OF: BENDERSON DEVELOPMENT COMPANY, LLC.

THE 6th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Benderson Development Company, LLC, 570 Delaware Avenue, Buffalo, New York 14202 for one [1] variance for the purpose of installing nine [9] offsite advertisement signs on an existing pylon sign on premises owned by Rehm-Transit Associates, 570 Delaware Avenue, Buffalo, New York at 6363 Transit Road, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 30, Subsection D (1) of the Code of the Town of Lancaster. The request calls for installing nine [9] offsite advertisement signs for 0 Rehm Road, S.B.L. #93.13-3-1.3, on an existing pylon sign located at 6363 Transit Road.

Chapter 400, Zoning, Section 30, Subsection D (1) of the Code of the Town of Lancaster requires that no sign shall be used to attract attention to an object, product, place, activity, institution, organization or business not available or located on the premises where the sign is located. The petitioner, therefore, requests a variance to allow nine [9] offsite advertisement signs for 0 Rehm Road on an existing pylon sign located at 6363 Transit Road.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Environment and Planning and New York State Department of Transportation and the Town of Cheektowaga of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

James Boglioli, Esq. Representing Petitioner

IN THE MATTER OF THE PETITION OF: BENDERSON DEVELOPMENT, LLC.

THE FOLLOWING RESOLUTION WAS OFFERED BY MR. STOERR, WHO MOVED ITS ADOPTION, SECONDED BY MR. SUGG TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Benderson Development Company, LLC. has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 12th day of May 2022, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicant is the duly authorized agent of the property.

WHEREAS, the property for which the applicant is petitioning is within a General Commercial District, (GC) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Erie County Department of Environment and Planning has received a full copy of the proposed zoning action and has stated that the proposed action has been reviewed and determined to be of local concern therefore, no recommendation was made.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self-created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. CASTELLANA	WAS AB	SENT
MR. DIRIENZO	VOTED	YES
MR. MIKOLEY	WAS AB	SENT
MR. STOERR	VOTED	YES
MR. SUGG	VOTED	YES
MR. TILLMANNS	VOTED	YES
MS. MONACELLI	VOTED	YES

The resolution granting the variance was thereupon ADOPTED.

PETITION OF: 4781 TRANSIT ROAD, INC.

The 7 th case was adjourned by the petitioner, to await the Town Board's approval of the State Environmental Quality Review.
PETITION OF: TIMOTHY BOYLE, NOCO EXPRESS PROPERTIES, LLC.
The 8 th case was adjourned until June 9, 2022 by the petitioner.
ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at 8:10 P.M.
Diane M. Terranova, TOWN CLERK and Clerk to Zoning Board of Appeals May 12, 2022